



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 16, 1996

Ms. Mary Keller
Senior Associate Commissioner
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR96-1145

Dear Ms. Keller:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40305.

The Texas Department of Insurance (the "department") received an open records request for the following information:

All documents, including complete actuarial studies or reports, relating to the plan of Cigna Insurance Company of Texas and Cigna Lloyds Insurance Company where by their liability for certain discontinued lines of business such as asbestos and environmental exposures, along with reserves and perhaps other funding, would be ceded or transferred to an insurance affiliate.

You explain that the department obtained the requested information during the course of an examination of Cigna Property and Casualty Companies ("Cigna") under the authority of section 9 of article 1.15 of the Insurance Code. Citing Open Records Decision No. 640 (1996) as authority, you contend that the requested information, representative samples of which you have submitted to this office for review, is confidential under section 9 of article 1.15 and thus must be withheld from the public pursuant to section 552.101 of the Government Code.

We agree. In Open Records Decision No. 640 (1996), which replaced Open Records Decision No. 637 (1996), this office concluded that section 9 of article 1.15 makes confidential the examination reports and related work papers obtained during the course of an examination of a carrier that is not under liquidation or receivership.

Because you inform us that Cigna is not currently under liquidation or receivership, we conclude that the department must withhold the requested information.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'R. Schmidt', followed by a long horizontal flourish.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/RWP/rho

Ref.: ID# 40305

Enclosures: Submitted documents

cc: Mr. Joseph C. Boggins
De Leon & Boggins
221 West 6th Street, Suite 1050
Austin, Texas 78701
(w/o enclosures)

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.